



MINUTES OF THE REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY COMMISSION CHAMBERS, CITY HALL  
THURSDAY, AUGUST 18, 2011 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, August 18, 2011, in Commission Chambers at City Hall. Chairman Roland Stults called the meeting to order at 4:30 p.m. The following Commission members were present:

Roland Stults  
Jo Ann Heim  
Charles Townsend  
James Argento

City staff that was present included Bill Wiley, Director; Mike Miller, Planner; Amelia Serrano, Administrative Assistant II, and Fred Morrison, City Attorney.

The meeting opened with an invocation given by Commissioner Jo Ann Heim and the Pledge of Allegiance to the Flag.

Bill Wiley, Director, informed the audience of the rules of participation and the need to sign the speaker's registry. Bill Wiley also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Amelia Serrano swore in staff as well as anyone wishing to speak.

**MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR JULY 21, 2011.**

**Commissioner Jo Ann Heim moved to APPROVE the minutes from the July 21, 2011 meeting. Commissioner James Argento SECONDED the motion, which was PASSED by a unanimous voice vote of 4 to 0.**

**NEW BUSINESS:**

**1. PUBLIC HEARING CASE # 044-1-081811 – MEHERNOSH OIL, INC. PROPERTY – REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 1 ACRE FROM CITY R-3 (HIGH DENSITY RESIDENTIAL) TO CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW FOR MEAT MARKET/CONVENIENCE STORE FOR A PROPERTY LOCATED ON THE SOUTH SIDE OF SOUTH STREET AND THE WEST SIDE OF HOLIDAY LANE (CITY COMMISSION DATES - 1<sup>ST</sup> READING ON SEPTEMBER 12, 2011 AND A 2<sup>ND</sup> READING ON SEPTEMBER 26, 2011)

Bill Wiley entered the exhibits into the record and Mike Miller presented them. The items included the staff summary, departmental review summary, staff recommendations, planned unit development conditions, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, site photos, and conceptual site plan.

No substantive comments were received from the departments and there were two public responses for

approval received.

Bill Wiley and the Planning & Zoning Division recommended the approval of the request for the following reasons:

1. The proposed zoning district of City SPUD (Small Planned Unit Development) is compatible with adjacent properties zoned City R-3 (High Density Residential) to the north and south, City CIP (Commercial/Industrial Planned) and R-3 (High Density Residential) to the west and City R-2 (Medium Density Residential) to the east. This is an area of transition from commercial to less intense uses and the proposed zoning would provide for transition. This request does not appear to create a detriment to the surrounding properties.
2. The proposed zoning district SPUD (Small Planned Unit Development) as conditioned and shown in the attached "Exhibit A" is compatible with the current City Future Land Use designation of City Low Density Residential.
3. The rezoning of the subject properties is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

Action Requested:

1. Vote to approve the recommendation to amend the zoning for the subject property from City R-3 (High Density Residential) to SPUD (Small Planned Unit Development) as proposed by staff and forward to the City Commission for consideration.

Bill Wiley highlighted the pertinent conditions for this case.

3. LAND USES

The above-described property shall be used for SPUD (Small Planned Unit Development) uses as limited herein, and pursuant to City of Leesburg development codes and standards.

Uses

2) Permitted Uses shall be as follows:

- a. Commercial uses shall be those listed for the SPUD (Small Planned Unit Development) uses in the Land Development Code as a permitted use including retail sales uses for the approximate area as shown on the Conceptual Plan.

3) Uses prohibited shall be as follows:

- a. All uses not permitted by the SPUD (Small Planned Unit Development)
- b. vehicle service and repairs
- c. recreational uses - indoor and outdoor
- d. crematoriums and funeral parlors
- e. bars and lounges
- f. clubs and lodges
- g. package stores
- h. educational facilities
- i. transient accommodations

9. TRANSPORTATION

- B. A north/south access/utility easement of thirty (30) shall be required along the western property line of the site. During the meeting it became known that there was an existing 15 foot easement, the staff was satisfied with that so this requirement was removed.

10. LANDSCAPING AND BUFFER REQUIREMENTS

Under A: All landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances including;

- 1) For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the City of Leesburg Code of Ordinances, as amended.
  - f. In addition, six (6) foot high decorative PVC fence with landscaping shall be installed along all property boundaries adjacent to residential zoning districts. Said fence shall have decorative posts and caps as an architectural design element (See Conceptual Fence with and Landscape Details Exhibit D).

Mehernosh Noble, the property owner, came up and thanked the staff for the removal of the extra 15 feet of easement originally required.

Roland Stults wanted the easement location verified and Bill Wiley verified it was on the west side along the Peppertree side of the property.

This was the end of the discussion and the voting then took place.

**Commissioner Charles Townsend made a motion to APPROVE case # 044-1-081811 – MEHERNOSH OIL, INC – REZONING. Commissioner Jo Ann Heim SECONDED the motion which, PASSED by a voice vote of 4 to 0.**

2. **PUBLIC HEARING CASE # 046-2-081811 – DRJ LAND COMPANY (HYUNDAI) – CONDITIONAL USE PERMIT**

REQUEST FOR A RECOMMENDATION OF THE PLANNING COMMISSION TO GRANT A CONDITIONAL USE PERMIT FOR AN APPLICANT WHOSE PROPERTY IS APPROXIMATELY .5 OF AN ACRE IN THE CITY C-3 (HIGHWAY COMMERCIAL) ZONING DISTRICT TO ALLOW FOR AUTO SALES AT A PROPERTY LOCATED ON THE NORTHEAST CORNER OF U.S. HIGHWAY 441 AND STEWART LANE - **(FINAL DECISION VOTED UPON BY THE PLANNING COMMISSION)**

Bill Wiley entered the exhibits into the record and Mike Miller presented them. The items included the staff summary, departmental review summary, staff recommendations, planned development conditions, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area (CRA) map, site photos, and conceptual site plan.

No substantive comments were received from the departments and there was no public responses received.

Bill Wiley and the Planning & Zoning Division recommended the approval of the request for the following reasons:

1. This request meets the criteria set forth in Section 25-141 “Conditional Uses” of the City of Leesburg Code of Ordinances for the granting of a conditional use permit for a vehicle sales and accessory uses.
2. The conditional use of a vehicle sales and accessory uses for the subject property is compatible with the existing City future land use designation of General Commercial and consistent with the City’s adopted Growth Management Plan, Future Land Use Element, Goal 1, Objective 1.6.
3. The proposed Conditional Use is compatible with the existing City zoning of C-3 (Highway

Commercial) as well as compatible with the surrounding properties with zoning classifications of City C-3 (Highway Commercial) and does not appear to be detrimental to surrounding properties.

SUBJECT to the following conditions:

1. This conditional use is granted to DRJ Land Company to allow the expansion of the existing
2. ~~Hyundai~~ Auto Dealership only for vehicle sales and limited accessory uses, under the City of Leesburg Code of Ordinances and the attached conceptual site plan Exhibit A. (Per request from applicant changed Hyundai to Jenkins)
2. The accessory uses shall be restricted to the applicant's vehicles. Use shall be limited to auto detailing, washing etc. No repair services are permitted on site.
3. Outdoor storage/display of vehicles shall not occupy any required customer parking, buffer or retention areas.
4. Storage of wrecked or inoperable vehicles shall not be permitted on site.
5. The applicant has agreed to remove the nonconforming pole sign and construct a new monument sign for the site indicating the ~~Hyundai~~ Auto Dealership connection. (Per request from applicant changed Hyundai to Jenkins)
6. The existing building will be renovated to current building code standards or demolished prior to using the site for vehicle sales.
7. Approval is based on the conceptual site plan dated August 18, 2011 and a formal submission of a site plan meeting the City of Leesburg requirements within 90 days.
8. The granting of this Conditional Use Permit does not exempt the applicant from other applicable regulations of the City of Leesburg and other governmental agencies.
9. This conditional use is granted to the permittee and may not be transferred.
10. Potential violation of any of the conditions of this permit shall be reviewed by staff and discussed with the owner to resolve the issue. Unresolved violations shall be forwarded to the City Code Enforcement Division for appropriate action and may result in the permit becoming null and void for the approved use after a public hearing with notice before the Planning Commission.

Action Requested:

1. Vote to approve the Conditional Use for the subject property for vehicle sales and with accessory uses as proposed by staff.

Tom Grizzard came up and spoke on behalf of the applicant. He stated the conditions were acceptable, but would like to change the wording on the sign to state Jenkins instead for Hyundai. Bill Wiley indicated that staff would not have any objection to Mr. Grizzard's request. Roland Stults asked Mr. Wiley if he had any concerns as to why the dealership would prefer to have the name change. Mr. Wiley stated that as long as the dealership was used in conjunction with the existing dealership and not separately then staff was fine with the change.

This was the end of the discussion and the voting then took place.

**Commissioner Charles Townsend made a motion to APPROVE case # 046-2-081811 – DRJ LAND COMPANY (HYUNDAI) – CONDITIONAL USE PERMIT. Commissioner James Argento**

**SECONDED the motion which, PASSED by a voice vote of 4 to 0.**

**3. PUBLIC HEARING CASE # 047-2-081811 – KIDS OF HOPE LEARNING CENTER –  
CONDITIONAL USE PERMIT**

REQUEST FOR A RECOMMENDATION OF THE PLANNING COMMISSION TO GRANT A CONDITIONAL USE PERMIT FOR AN APPLICANT WHOSE PROPERTY IS APPROXIMATELY .6 OF AN ACRE IN THE CITY R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT TO ALLOW FOR A CHILD DAYCARE/LEARNING CENTER AT A PROPERTY LOCATED ON THE EAST SIDE OF S. 9<sup>TH</sup> STREET, JUST SOUTH OF W. DIXIE AVENUE - **(FINAL DECISION VOTED UPON BY THE PLANNING COMMISSION)**

Bill Wiley entered the exhibits into the record and Mike Miller presented them. The items included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments were received from the departments and there were three public responses for approval received.

Bill Wiley and the Planning & Zoning Division recommended the approval of the request for the following reasons:

1. This request meets the criteria set forth in Section 25-141 “Conditional Uses” of the City of Leesburg Code of Ordinances for the granting of a conditional use permit for a child day care.
2. The Conditional Use for the subject property is compatible with the existing City future land use designation of Low Density Residential and consistent with the City’s adopted Growth Management Plan, Future Land Use Element, Goal 1, Objective 1.6.
3. The proposed Conditional Use is compatible with the adjacent zoning classifications and does not appear to create a detrimental impact on the surrounding properties.

**with the following condition(s):**

1. This conditional use permit is granted to the permittee to allow a child day care, in an R-2 (Medium Density Residential) zoning district, as shown in Section 25-284(3), District Use Regulations, Public and Civic Uses, Day Care, of the City of Leesburg Code of Ordinances.
2. This conditional use permit is also subject to the requirements of Section 25-287 Public and Civic uses, (c) *Child day care centers*, of the City of Leesburg Code of Ordinances (See attached).
3. Approval is based on the conceptual site plan dated July 11, 2011.
4. A time limit of eighteen (18) months shall be permitted to initiate the conditional use.
5. Violation of any of the conditions of this permit may result in the permit becoming null and void and revocation of the approved use.
6. The transfer of ownership or lease of any or all of the property described in these conditions shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions and agreements stated herein. Any change or deviation from conditions shown herein may be revised through procedures as described in the City of Leesburg Code of Ordinances, as amended.

7. The granting of this Conditional Use Permit does not exempt the applicant from other applicable regulations of the City of Leesburg such as building and fire safety and other governmental agencies and assessment of any required impact fees necessary for the proposed use.

**Section 25-287 Public and Civic uses, (c) *Child day care centers*, of the City of Leesburg Code of Ordinances**

- A. Required patron parking shall be adjacent to the facility and clearly designated by raised directional signage and pavement of wheel stop markings. Each parking space shall be fronted with wheel stops set two (2) feet from a continuous five-foot wide sidewalk leading to the building entrance, or a raised curb and a continuous seven-foot wide sidewalk leading to the building entrance.
- B. If a circular driveway is provided for pick-up/drop-off of children, the following shall be required in addition to paragraph 1, above: a paved circular driveway, twelve (12) feet in width with a minimum inside turning radius of twenty (20) feet for one-way traffic, and an area a minimum of fifteen (15) feet from the designated discharge point where the children are picked up or dropped off, into which cars shall not park or back. If fire regulations require the designation of a fire lane or if two-way traffic is approved, then the width of the circular driveway shall be at least twenty (20) feet.
- C. Employee and van parking shall be designated by raised directional signage and pavement or wheel stop markings.
- D. One (1) freestanding monument or wall sign, not exceeding sixteen (16) square feet, may be erected with the required permit.
- E. A fenced outdoor play area for the children shall be provided. The use of the play yard shall be limited to between 8:00 a.m. and 6:00 p.m., if the fenced play area is within one hundred (100) feet of a residential zoning district.
- F. The occasional twenty-four-hour stay of persons is permitted provided such stay complies with the provisions of the Florida Building Code, and complies with the requirements of the state as applicable; and provided, further, such stay does not exceed four (4) consecutive days in any one-month period.
- G. Uses shall be located such that traffic generated by the child day care center will not negatively impact the affected transportation network or surrounding land uses.
- H. For uses designed to accommodate more than thirty (30) children, all principle buildings shall be located no closer than thirty (30) feet from any zoning lot boundary or the yard requirements of the district, whichever is greater.
- I. Child day care centers shall, as a usual practice, be located.
- 1) So that it forms part of a group of community service uses such as churches, school, parks, etc.; or
  - 2) At the edges of commercial, industrial or office developments where they will form a transition between these uses and surrounding residential uses; or
  - 3) Within a residential area and shall be of a design, intensity and scale to serve the surrounding neighborhood and to be compatible with the surrounding land uses and zoning.
- J. The development review committee may approve alternative parking standards for centers with thirty (30) children or less where an applicant can sufficiently demonstrate that a particular situation is unusual, unique or poses practical difficulty, and upon submission of adequate justification.

Alternatives may include use of mulch or other acceptable material for parking and drives and drop-off points at the street.

- K. Before a building permit is issued for any day care center, or to convert an existing use to a day care center, development plan approval shall be required.

The applicants were in agreement with the conditions so no one came up to speak and the board did not have any questions or concerns.

This was the end of the discussion and the voting then took place.

**Commissioner Jo Ann Heim made a motion to APPROVE case # 047-2-081811 – KIDS OF HOPE LEARNING CENTER – CONDITIONAL USE PERMIT. Commissioner James Argento SECONDED the motion which, PASSED by a voice vote of 4 to 0.**

4. **PUBLIC HEARING CASE # 048-1-081811 – VICTORIA GARDENS – REZONING**  
AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE CITY PUD (PLANNED UNIT DEVELOPMENT) CONDITIONS OF APPROXIMATELY 6.17 ACRES TO ALLOW FOR A 55+ AGE RESTRICTED MULTI-FAMILY RESIDENTIAL DEVELOPMENT FOR A PROPERTY LOCATED ON THE NORTH SIDE OF MONTCLAIR ROAD AND WEST OF MCCORMICK STREET– **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON SEPTEMBER 12, 2011 AND A 2<sup>ND</sup> READING ON SEPTEMBER 26, 2011)**

Bill Wiley entered the exhibits into the record and Mike Miller presented them. The items included the staff summary, departmental review summary, staff recommendations, planned unit development conditions, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, and site photos.

No substantive comments were received from the departments and there were three public responses for approval received.

Bill Wiley and the Planning & Zoning Division recommended the approval of the request for the following reasons:

1. The proposed zoning district PUD (Planned Unit Development) amendment is compatible with adjacent property zoned R-3 (High Density Residential) to the south and east. With the proposed conditions, there does not appear to be a conflict with adjacent property zoned M-1 (Industrial) to the north and west.
2. The proposed zoning PUD (Planned Unit Development) district amendment is compatible with the existing future land use designation of High Density Residential (18 units per acre). The proposed district as conditioned does not appear to create a detriment to adjacent land uses.
3. The proposed zoning district PUD (Planned Unit Development) amendment is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Action Requested:

1. Vote to approve the recommendation to amend the zoning of the subject property with the proposed amended PUD (Planned Unit Development) Conditions attached (Exhibit A) hereto, dated July 10, 2008 and forward to the City Commission for consideration.

In July of 2008, this case was approved by both the Planning and Zoning and City Commission, but was not

age restricted. Recently, the owner came to us due to the PUD expiring, but the staff talked to him about an age restricted community and would allow more uses to his property. By doing this not only would the property be age restricted but would also allow for multi-family and single family residences and assisted living facility as well.

Bill Wiley highlighted the pertinent conditions that have been changed from the original conditions for this case.

## 2. LAND USE

The above-described property shall be used for an age restricted (55 plus) multi-family residential development, pursuant to City of Leesburg development codes and standards and the Conceptual Development Plan dated April 4, 2008 as follows:

### A. Residential Development

- 1). The project shall contain a maximum of 96 age restricted (55 plus) residential units on approximately 6.17 acres at a gross density of 15.6 units per gross acre.

### 8). Permitted Uses:

- a. Single family attached or detached homes - Age restricted (55 plus);
- b. Multi-family dwellings - Age restricted (55 plus);
- c. Assisted living facilities - Age restricted (55 plus);
- d. Accessory structures;
- c. Temporary modular sales center and construction office until project completion.

### 7). Landscape buffer areas shall be required as follows:

- a. The northern, eastern and western boundaries of the Victoria Gardens site, including property immediately adjacent to the western side of the Oak Ridge Condominium development, and adjacent to all property zoned M-1 (Industrial), shall be enclosed by an eight (8) foot high ~~brick/masonry wall~~ decorative PVC fence with landscaping. Said fence shall have decorative posts and caps as an architectural design element (See Conceptual Fence with and Landscape Details Exhibit D). The wall shall be architecturally compatible with the design of the dwellings. The property adjacent to Oak Ridge Condominiums shall have a minimum twenty-five (25) foot natural buffer on the eastern side of the wall.

### E. Development Phasing

- 2). Implementation of the project shall substantially commence within 36 months of the amended approval of this Planned Development. In the event, the conditions of the PUD have not been substantially implemented during the required time period, the PUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to the current zoning of R-3 (High Density Residential) and M-1 (Industrial) or another appropriate zoning classification less intense than the development permitted by these PUD Conditions.

## 3. STORMWATER MANAGEMENT / UTILITIES

Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Water, wastewater and natural gas services will be provided by the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

- J. A 15 foot utility easement is required around the entire boundary of the property. (This was added during the meeting.)



The owner did not wish to speak and the case was open for the public to speak.

Geoffrey Shaw, Vice-President of the Board of Directors for Oak Ridge Condominiums, came up to speak. He passed out a list of concerns. He did wish to welcome Victoria Gardens to the area, but there were two concerns the Oak Ridge Community had. Mr. Shaw's first concern was the emergency vehicle access through Oak Ridge to "Victoria Gardens" and his second concern was the wall surrounding the property. The emergency access was a concern because the Oak Ridge Community is a privately owned community and the infrastructure is kept up by the community - not the city. The emergency fire vehicles that would be needed to service a two or three story building would damage the roads. Is the City or the development going to repair or upgrade the roads in case they are needed? Additionally, will the security gate actually be secured or will it be accessible by anyone? The wall is a concern because it was an 8ft "permanent" wall and is now being changed to a PVC Fence and new plantings are allowed. The reason for the change was not clear with the residents of the Oak Ridge community. Mr. Stults asked Mr. Shaw to remain at the podium while Bill Wiley or the City Attorney, Fred Morrison attempt to address his concerns. Mr. Wiley explained that the reason for the change between the "walls" was that now the property was going to be age restricted so the same concerns are not present as before. The landscaping requirement has not changed from before. As far as the emergency access is concerned, the city code requires the accessible factor between two parcels. This will benefit both communities due to the fact that both communities have one entrance in and out and if that entrance is blocked, the secondary access gate would allow for emergency vehicles to get into either community. Mr. Shaw then asked is this the case even though the roads are privately owned and maintained. Mr. Morrison made it clear that this gate was only for emergency access not everyday travel. The roads would not be used unless in an emergency situation. This was all Mr. Shaw had to say.

Mark Esche, a Oak Ridge Condominiums resident, wanted to add that his major concern was the amendment to the 2008 conditions requiring a brick wall and that a gate implies access - it implies going to and from. The new community under the law will still have a percentage under 55. No mention of the interconnection access was mentioned before. If Victoria Gardens doesn't have the access to allow emergency vehicles in then they shouldn't be building it. Mr. Stults then asked him if Oak ridge was a gated community and Mr. Esche stated no then asked if it was a fence community and he stated yes it was a wood fence stockade. Mr. Wiley then clarified and emphasized that is was for emergency access only. Mr. Esche stated he was glad to hear of a high security City fence, but the fact it was connected to a plastic fence won't work because if someone wants to go through a plastic fence - they can. This was all Mr. Esche had to say.

Wanda Dickenson, an Oak Ridge resident, did research on the fire department and truck weight and it was determined that the trucks are too heavy to travel on their roads. Mr. Stults explained again that the use would not be continuous, but only for emergency use. Ms. Dickenson explained she had supporting documents for this when the case first went in front of the board, but turned her paperwork into the administrative assistant at the time. She will get the new paperwork backing these facts and present them at the next meeting. Mr. Stults told her the date was September 12, 2011, but she needed to check prior to the meeting to verify that it is on the agenda. This was all she had to say.

This was the end of the discussion and the voting then took place.

**Commissioner Charles Townsend made a motion to APPROVE case # 048-1-081811 – VICTORIA GARDENS – REZONING. Commissioner Jo Ann Heim SECONDED the motion which, PASSED by a voice vote of 4 to 0.**

**5. PUBLIC HEARING CASE # 049-0-081811 – LANDSCAPE ORDINANCE**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REPEALING §§25 – 322 THROUGH 25 – 338 OF THE CODE OF ORDINANCES, PERTAINING TO LANDSCAPE REGULATION; ENACTING NEW §§25 – 323 THROUGH 25 – 338 OF THE CODE OF ORDINANCES AND PROVIDING AN EFFECTIVE DATE. (CITY COMMISSION DATES - 1<sup>st</sup> READING ON JULY 26, 2011 AND A 2<sup>ND</sup> READING ON AUGUST 22, 2011)

Bill Wiley gave a brief introduction to Commission and informed the Board that Darel Craine, Deputy Director of Environmental Services, will be presenting a power-point presentation to them. The City does have a good landscaping ordinance in place, but there is a requirement from the Water Management Districts that is part of the City's CUP (Consumptive Use Permit) which is the permit that regulates the amount of water the city can pull from the ground. Based on the State wanting to conserve as much as possible the new regulations have to be adopted there is no option.

Bill Wiley and the Planning & Zoning Division recommended the approval of the request for the following reasons:

Summary:

Staff recommends approval of the amendments to Chapter 25 of the Code of Ordinances, pertaining to landscape regulations to incorporate the Florida Friendly Landscape Ordinance.

Analysis:

The consumptive use permit, issued by Saint Johns River Water Management District, requires the City to adopt a Florida Friendly Landscape Ordinance. Lake County has already adopted a revised ordinance to meet the requirements and this proposed amended ordinance has mirrored the county's ordinance where feasible. The purpose of the amended ordinance is to provide minimum standards for landscaping that meet the District's requirements within the City of Leesburg. The ordinance will set standards that are consistent with water efficient landscaping.

Action Requested:

Vote to approve the referenced amendments to the Code of Ordinances Chapter 25, Sections 25-322 through 25-338, pertaining to landscape regulations as proposed by staff and forward to the City Commission for consideration.

The ordinance has already gone to the City Commission for a first reading, however, due to the fact that a staff member was working on it while Mr. Wiley was on vacation, the fact that ordinance was under Chapter 25 wasn't brought to light until after the City Commission agenda was finalized. The case was continued until the next meeting in August which happens to be this coming Monday, August 22<sup>nd</sup>. If the code is not adopted then the City will be out of compliance with their CUP. The CUP requires the changes to be adopted in August so unfortunately we are rushing to get this language approved. Not to add to the confusion but this was sent to the County on Monday and they had been working with the Dan Miller, Senior Planner formerly with the City to try to incorporate all the standards we wanted into their standards. They did a very detailed review of the standards and over the last year and a half that there have been issues and in the code they are presently working on some changes are being amended. Just before the meeting today, the Planning and Zoning Manager sent me the review and on it are about 35 comments. After reviewing the comments they are mostly clarifying or cleaning up issues they have had problems with. At this point, they are simply recommendations. Staff is asking that the Board pass this items with the caveat that between tomorrow and this weekend, Staff will be making changes based off the of comments as so needed to fit the City. This was all Mr. Wiley had at his time.

Darel Craine, Deputy Director of Environmental Services, presented the Board with a power-point presentation. He has been working closely with Dan Miller, Bill Wiley, Ray Sharp, and Jennifer Magavero to put this together. Fred Morrison has reviewed it, but now there will be a few changes that need to be made and he will need to review it again. Lake County has passed this and it has been affect for about a year and a half. It has been reviewed by the Water Management District and the ordinance has Lake County passed it is being used by the District as a sample for other communities to use at this point. In October 2010, the City of Leesburg got a 20 year CUP and at that point there were 51 conditions. Each condition is tracked by the city and our permit is CUP 94 and the permit and all conditions can be viewed via the St. John's website. Condition 30 states the permittee shall adopt the Florida Friendly Landscape Ordinance and we are currently working with Lake County and the other major cities in the county to get this adopted. The intent of the

landscape to conserve the groundwater as a natural resource and that it is being used properly. The ordinance will benefit the City because it will cut the cost of the energy cost and maintenance for the water department. The main water plant in Leesburg uses about \$300, 000-\$400,000 in energy costs alone. The power is being left with the Planning and Zoning to make changes as necessary by case per case basis. The changes will help to meet the future water demands and will help with future growth.

Bill Wiley informed unless needed he wasn't planning on going over the ordinance in detail, but can if so desired. The board did not see a problem with that and was fine with him not reviewing it.

Charles Townsend questioned staff as to what changes were made and if it was mostly how we water plants/landscaping and what types of plants the public can use. Darel Craine stated yes and these requirements would also be implemented for subdivisions and other developments. The changes tell us what plants can be planted, their locations and what kind of plants that can withstand drought.

This was the end of the discussion and the voting then took place.

**Commissioner Jo Ann Heim made a motion to APPROVE case # 049-0-081811 – LANDSCAPE ORDINANCE. Commissioner Charles Townsend SECONDED the motion which, PASSED by a voice vote of 4 to 0.**

**Discussion:**

The next scheduled meeting date is September 15, 2011.

The meeting adjourned at 5:35 p.m.

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Roland Stults III, Chairperson

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Jo Ann Heim, Vice Chairperson

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Amelia Serrano, Administrative Assistant II